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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/893,211	06/28/2001	Tatsuo Ito	35.C15629	5019
5514	7590	09/28/2004	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			RUDY, ANDREW J	
			ART UNIT	PAPER NUMBER
			3627	

DATE MAILED: 09/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/893,211	ITO, TATSUO
Examiner	Andrew Joseph Rudy	Art Unit 3627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 27 July 2004.

2a)  This action is **FINAL**.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

4)  Claim(s) 1-24 is/are pending in the application.  
4a) Of the above claim(s) 1-18 and 21-24 is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 19 and 20 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on 28 June 2001 is/are: a)  accepted or b)  objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All    b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.  
4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.  
5)  Notice of Informal Patent Application (PTO-152)  
6)  Other: \_\_\_\_\_.  
\_\_\_\_\_

## DETAILED ACTION

### *Election/Restrictions*

1. Applicant's election without traverse of Group IV, claims 19 and 20, in the reply filed on July 27, 2004 is acknowledged.
2. Claims 1-18 and 21-24 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on July 27, 2004.

### *Priority*

3. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### *Drawings*

4. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the first information processing step, the first screen display step, the first key input/pointing step, etc., must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet,

even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6. Claims 19 and 20 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Thus, the first information processing step, the first screen display step, the first key input/pointing step, etc., recited from claims 19 and 20 must have support from the specification and in juxtaposition to the drawings be readily discernable as to their meets and bounds.

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claims 19 and 20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 19, line 2, the phrase “the consumable goods online shopping system” lacks antecedent basis and is not clear.

Claim 19, lines 3-4, the phrase “that consumes” is not clear as to its meaning.

Claim 19, line 4, the phrase “the portal server” lacks antecedent basis and is not clear.

Claim 19, line 6, the phrase “the electronic settlement server” lacks antecedent basis and is not clear.

Claim 19, line 7, the phrase “the settlement” and “the transaction” each lack antecedent basis and is not clear.

Claim 19, lines 8-9, the phrase “the mail order server center” lacks antecedent basis and is not clear.

Claim 19, lines 9-10, the phrase “the consumable goods” lacks antecedent basis and is not clear.

Claim 19, line 10, the phrase “the recycling plant server” lacks antecedent basis and is not clear.

Claim 19, lines 10-11, the phrase “the recycling plant” lacks antecedent basis and is not clear.

Claim 19, lines 11-12, the phrase “the merchandise control center server” lacks antecedent basis and is not clear.

Claim 19, lines 12-13, the phrase “the merchandise control center” lacks antecedent basis and is not clear.

Claim 19, line 14, the phrase “the network” lacks antecedent basis and is not clear.

Claim 19, line 15, the phrase “the first information processing step” lacks antecedent basis and is not clear.

Claim 19, line 15, the phrase “the processing” lacks antecedent basis and is not clear.

Claim 19, line 17, the phrase “the first screen” lacks antecedent basis and is not clear.

Claim 19, line 18, the phrase “the screen” lacks antecedent basis and is not clear.

Claim 19, line 19, the phrase “the first key input/pointing” lacks antecedent basis and is not clear.

Claim 19, line 20, the phrase “the information” lacks antecedent basis and is not clear.

Claim 19, line 22, the phrase “the first printing step” lacks antecedent basis and is not clear.

Claim 19, lines 23-24, the phrase “the first communication step” lacks antecedent basis and is not clear.

Claim 19, lines 24-25, the phrase “the information processed contents” lacks antecedent basis and is not clear.

The remaining portions, i.e. pages 222-224 from Applicant’s disclosure, of claim 19 contain many more phrases that lack antecedent basis. Applicant is requested to review the remaining phrases and make the appropriate corrections.

Applicant is required to show where support for such language may be found in Applicant's disclosure, e.g. descriptive portion of the specification and drawings. No new matter may be added.

Claim 20, line 2, the phrase "the status" lacks antecedent basis and is not clear.

Claim 20, line 6, the phrase "the printing device" lacks antecedent basis and is not clear.

Claim 20, lines 6-7, the phrase "the predetermined communication line" lacks antecedent basis and is not clear.

Claim 20, lines 8-9, the phrase "the compensation" lacks antecedent basis and is not clear.

Claim 20, line 11, the phrase "the merchandise" lacks antecedent basis and is not clear.

#### ***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 19 and 20, as understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Malone et al, US 2002/0038348.

Malone discloses a server 310 that is attached to communication information equipment, e.g. Internet, for product review/purchase. Malone does not specifically recite the various processing steps, but, as understood, processing common knowledge screen information would

have been obvious to one of ordinary skill in the art. The motivation for doing such would have been to implement the common knowledge information equipment for its intended use.

11. Further pertinent references of interest are noted on the attached PTO-892.

***Conclusion***

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Joseph Rudy whose telephone number is 703-308-7808. The examiner can normally be reached on Tuesday thru Friday, 7:30 a.m until 6 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Robert Olszewski can be reached on (703) 308-5183. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

